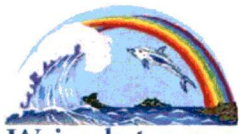

Wishtoyo Foundation and its Ventura Coastkeeper Program
3875-A Telegraph Road #423
Ventura, California 93003
Phone: (805) 658-1120
Fax: (805) 258-5135

August 22, 2012

VIA CERTIFIED MAIL

GenOn Energy, Inc.
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

GenOn Americas, Inc.
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

GenOn Asset Management, LLC
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

GenOn California North, LLC
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

GenOn Energy Management, LLC
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

GenOn Energy Services, LLC
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

GenOn Power Generation Assets, LLC
Attn: Managing Agent
1000 Main Street, 21st Floor
Houston, TX 77002

GenOn West GP, LLC
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

GenOn West, LP
Attn: Managing Agent
1000 Main Street
Houston, TX 77002

VIA U.S. MAIL

Registered Agent for
GenOn Energy, Inc.
Corporation Service Company Which Will Do Business in California as CSC - Lawyers Incorporating Service
2710 Gateway Oaks Dr. STE 150N
Sacramento, CA 95833

Re: Notice of Violation and Intent to File Suit Under the Federal Water Pollution Control Act

To Whom It May Concern:

I am writing on behalf of Ventura Coastkeeper, a program of the Wishtoyo Foundation, and the Wishtoyo Foundation (collectively "Coastkeeper"), in regard to violations of the Clean Water Act[1] and the State of California's Storm Water Permit[2] occurring at the GenOn Ormond Beach Generating Station located at 6635 South Edison Drive, Oxnard, California 93033 (hereinafter "GenOn Facility" or the "Ormond Beach Generating Station"). The purpose of this letter is to put the Owners and/or Operators of GenOn[3] on notice of the procedural and substantive violations of the Storm Water Permit, including but not limited to the discharges of polluted storm water from the GenOn Facility into local waterways. These violations of the Storm Water Permit are violations of the Clean Water Act and the California Ocean Plan[4]. As explained below, the GenOn Facility Owners and/or Operators are liable for violations of the Storm Water Permit, the Clean Water Act, and the California Ocean Plan.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to sue. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2. This letter is being sent to you as the responsible owners, officers, and/or operators of GenOn, or as the registered agent for these individuals and entities. By this letter, pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, we hereby put the GenOn Facility Owners and/or Operators on notice that after the expiration of sixty (60) days from the date of this letter, we intend to file an enforcement action in Federal court against them for violations of the Storm Water Permit, the Clean Water Act, and the California Ocean Plan.

I. Background

A. Ventura Coastkeeper and Wishtoyo Foundation

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[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

[3] The Owners and/or Operators of the GenOn Facility are identified in greater detail in Section I.B below and referred to hereinafter as the "GenOn Facility Owners and/or Operators."

[4] California Water Code §§ 13000 *et seq.;* State Water Resources Control Board, 2005 California Ocean Plan, Water Quality Control Plan for Ocean Waters of California, adopted by the State Water Resources Control Board on January 20, 2005 and April 21, 2005, approved by the Office of Administrative Law on October 12, 2005, and approved by the U. S. Environmental Protection Agency on February 14, 2006.

Founded in 1997, the Wishtoyo Foundation ("Wishtoyo") is a 501(c)(3) non-profit public benefit grassroots corporation organized under the laws of the State of California and located at 33904 Pacific Coast Highway, Malibu, CA 90265. Wishtoyo's mission is to preserve, protect and restore Chumash culture, the culture and history of coastal communities, cultural resources, and the environment. Wishtoyo has over 700 members consisting of Ventura County's diverse residents, Chumash Native Americans, and the general public who enjoy the recreational, spiritual, cultural, and aesthetic benefits of the Santa Clara River and Ventura County's coastal marine waters and environment.

Ventura Coastkeeper is a program of Wishtoyo. Ventura Coastkeeper's mission is to protect, preserve, and restore the ecological integrity and water quality of Ventura County's inland water bodies, coastal waters, and watersheds. Ventura Coastkeeper strives to maintain clean and ecologically healthy waters for all living beings in Ventura County through advocacy, education, restoration projects, community mobilizing, actively seeking Federal and State agency implementation of the Clean Water Act, and, when necessary, directly initiating enforcement actions on behalf of itself and its members. Ventura Coastkeeper is also a member of the Waterkeeper Alliance, a coalition of nearly 200 member programs on six continents around the world fighting for clean water and strong communities.

As a program of Wishtoyo Foundation, Ventura Coastkeeper also strives to protect, preserve, and restore the natural resources that the Chumash culture, and all cultures, depend upon. The Chumash Peoples, including members of Wishtoyo Foundation, have a long history of interaction with the Ormond Beach Wetlands, Mugu Lagoon, and Ventura's coastal waters, with the native wildlife that utilizes these waterbodies, and natural native cultural resources of these waterbodies, of which, the Chumash Peoples utilize for a variety of cultural purposes including religious and ceremonial ones.

As further explained below, the GenOn Facility discharges polluted storm water to Ormond Beach Wetlands, the Ormond Beach Wetlands Lagoon, Mugu Lagoon, the tributaries of these waterways, all of which flow to the Pacific Ocean. Members of Coastkeeper live near and/or use the waters receiving the polluted discharges from the GenOn to fish, boat, swim, bird watch, view wildlife, and to engage in scientific study and cultural activities. The discharge of pollutants from the GenOn Facility impairs these uses. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by the failure of the GenOn Facility Owners and/or Operators to comply with the Storm Water Permit, the Clean Water Act, and the California Ocean Plan.

B. The GenOn Facility and its Owners and/or Operators

Information available to Coastkeeper indicates that the GenOn Ormond Beach Generating Station, is an approximately 38 acre[5] electricity plant located on the California Coast

[5] This is the size of the Facility reported in GenOn's June 11, 2012 Notice of Intent to comply with the terms of the General Permit to Discharge Stormwater Associated with Industrial Activity (WQ Order No. 97-03-DWQ) submitted to the State Water Resources Control Board. The size of the Facility reported in Reliant Energy's January

in the Ormond Beach Wetlands. The facility consists of two steam boiler electric generating units fueled by natural gas; of metal infrastructure associated with, supporting, surrounding, and rising above the electric generating units; of two tall emissions stacks; and of once-through cooling infrastructure that withdraws water from, and discharges once-through cooling water into, the Pacific Ocean. The GenOn Facility Owners and/or Operators obtained coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to obtain Storm Water Permit coverage. This NOI lists GenOn's Standard Industrial Classification code of regulated activity ("SIC Code") as 4911 (Electrical Services).

Information available to Coastkeeper indicates that the GenOn Ormond Beach Generating Station, which is located at 6635 South Edison Drive, Oxnard, California 93033, is owned and/or operated by GenOn Energy, Inc.; GenOn Asset Management, LLC; GenOn Energy Management, LLC; GenOn Power Generation Assets, LLC; GenOn West, LP; GenOn Americas, Inc.; GenOn California North, LLC; GenOn Energy Services, LLC; GenOn West GP, LLC (hereinafter collectively referred to as "GenOn Facility Owners and/or Operators" or "GenOn Energy, Inc."). Information available to Coastkeeper indicates that the registered agent for service of process for GenOn Energy, Inc. and the GenOn Facility Owners and/or Operators is Corporation Service Company Which Will Do Business in California as CSC - Lawyers Incorporating Service located at 2710 Gateway Oaks Dr. STE 150N Sacramento, CA 95833.

The GenOn Facility Owners and/or Operators have discharged and continue to discharge pollutants unlawfully from the GenOn Facility into local waterbodies and groundwater. As explained below, the GenOn Owners and/or Operators are liable for violations of the Storm Water Permit, the Clean Water Act, and the California Ocean Plan.

C. Storm Water Pollution, the Ormond Beach Wetlands, Mugu Lagoon, and the Pacific Ocean

With every significant rainfall event, millions of gallons of polluted rainwater, originating from industrial operations such as the GenOn Ormond Beach Generating Station Facility, pour into Ventura County storm drains and surface waters, and then into the Pacific Ocean. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering the marine, river, estuarine, and wetland environments each year. This discharge of pollutants from industrial facilities in storm water contributes to the impairment of downstream waters and aquatic dependent wildlife, including birds and fish.

Ormond Beach Wetlands

Ormond Beach is a 1,500-acre area composed of agriculture, industry, and wetlands, and the Chumash Native American villages of Wenemu, Kanaputeqnon, and Kasunalmu. A two-mile-long beach, sand dune, and wetlands ecosystem ("Ormond Beach Wetlands Ecosystem")

2002 Notice of Intent obtain Storm Water Permit coverage submitted to the State Water Resources Control Board was 35 acres.

extends from Port Hueneme, through Oxnard and the Ormond Beach Lagoon, to the northwestern boundary of Pt. Mugu Naval Air Station, which encompasses Mugu Lagoon. Although much of the wetlands have been drained, filled and degraded over the past century, the Ormond Beach Wetlands are one of the few areas in southern California with an intact dune-transition zone–marsh system. The Ormond Beach Wetlands ecosystem hosts over 200 migratory bird species and more shorebird species are known to use Ormond Beach wetlands than any other site in Ventura County. In addition, the Ormond Beach Wetlands are home to 8 federal and state listed endangered and threatened species under the Federal Endangered Species Act ("ESA") and California Endangered Species Act ("CESA") [6] including the Tidewater Goby, Western Snowy Plover, California Least Tern, California Brown Pelican, American Peregrine Falcon, Light-footed Clapper Rail, Least Bell's Vireo, and Belding's Savannah; 16 state and federal species of special concern[7]; ospreys; kites; great blue herons; egrets; kestrels; sandpipers; white tundra swans that stop by on their way south from Alaska; and 40 state and federal special status plant species[8].

It is estimated that the wetlands at Ormond Beach once covered approximately 1,100 acres. Today, approximately 250 acres remain, but are degraded in large part from contaminated industrial, municipal, and agricultural storm water runoff and dry weather irrigation discharges; from compaction due to human use and dumping; from metals and radioactive constituents from the U.S. EPA Halaco Superfund Site adjacent to the Ormond Beach Lagoon; and from hypersalinity due to lack of flushing. For instance, a 2008 U.S. EPA technical analysis of the extent and movement of contamination of the contaminants from the Halaco U.S. EPA Region 9 Superfund site[9] indicates that the Halaco site is leaching elevated levels of iron into the Ormond Beach Wetlands surface and groundwater. In addition, a 2006 Ormond Beach Wetlands Restoration Study[10] found that the surface waters of the Ormond Beach Wetlands northwest of the GenOn Facility are impaired for iron, and presence of high levels of iron in the surface waters of the Western Arm of Mugu Lagoon in Oxnard Drain #3 at Arnold Road.

Ormond Beach is considered by wetland experts to be the most important wetland restoration opportunity in southern California. Unlike other coastal wetland restoration projects in southern California, there is room to restore the approximate extent of historic wetlands, provide surrounding upland habitat to complete the ecosystem and accommodate sea level rise. The biological significance of this area has been recognized, and its restoration potential

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[6] Federal Endangered Species Act, 7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.; California Endangered Species Act, California Fish & Game Code §§2050, *et seq.*

[7] *Id.*

[8] Special-status species are plants and animals that are legally protected under the federal Endangered Species Act, California Endangered Species Act, or other state regulations, and species that are considered sufficiently rare by the scientific community to warrant conservation concern.

[9] Technical Memorandum: Preliminary Evaluation of the Sources, Nature, Extent, and Movement of Contamination in Surface Water and Groundwater; Halaco Site; Oxnard, California; Prepared for U.S. Environmental Protection Agency Region 9, 75 Hawthorne Street, San Francisco, California 94105; Prepared by CH2M HILL (December 2008).

[10] Aspen Environmental Group, Final Report Ormond Beach Wetland Restoration, General Site-Wide Investigation for Soil Reuse Options (November 2006).

endorsed by all of the federal and state resource agencies that participate in the Southern California Wetlands Recovery Project.

The Oxnard and Port Hueneme communities, many public interest local non profit organizations, and state entities have devoted considerable resources to protect and restore the Ormond Beach Wetlands. The Nature Conservancy and California Coastal Conservancy respectively, with the unanimous support of the County of Ventura and the City of Oxnard, have acquired significant Ormond Beach Wetlands parcels for conservation and restoration, and are pursuing acquisitions at Ormond Beach with a goal of acquiring at least 900 acres at Ormond Beach to accommodate wetland and other habitat needs. In addition, the local communities surrounding the Ormond Beach wetlands and numerous local grass root non profit groups have devoted substantial resources and energy to conduct significant Ormond Beach Wetlands restoration projects and to advocate for their protection and restoration. Wishtoyo Foundation and its Ventura Coastkeeper Program have, and continue to, help with the Ormond Beach restoration effort. In 2003, Wishtoyo conducted a major Phase I and Phase II Ormond Beach Wetlands Clean Up Project in partnership with Oxnard City Corps that resulted in the removal of invasive ice plant and debris such as rusted automobiles, unused piping, and other large, decayed sharp and toxic metal objects that littered the wetlands for decades; conducted a Ormond Beach Cultural Resources Study for the California Coastal Conservancy's Wetlands Restoration Feasibility Plan; have held numerous Ormond Beach Wetlands and J. Street Drain trash clean up events; have conducted water quality monitoring in the Ormond Beach Wetlands and its tributaries for the last three years; have submitted its Watershed Monitoring Program's data to the State Water Resources Control Board that document that the Wetlands are impaired for nitrate, pH, trash, and E. Coli and that accordingly support 2012 Clean Water Act 303(d) impaired waterbody listings for these constituents; and have actively advocated at local, state, and federal levels for the protection and restoration of the Ormond Beach Wetlands.

A critical mass of restored wetlands and associated habitat at Ormond Beach is expected to create a self-sustaining biological system and enough tidal prism and flushing action to maintain health and hydrologic function. Anticipated restoration at Ormond Beach would include expansion of the wetlands to mirror their historic extent; pollutant free wetlands that do not harm or pose threats to humans and aquatic, benthic, plant and avian wildlife; and modifications of wetlands hydrology to restore tidal action and bring back freshwater flows that had formerly drained across the Oxnard Plain to the coastal wetlands. When integrated with the adjoining 900 acres of freshwater wetlands and the 1,500 acres at Mugu Lagoon, the Ormond Beach Wetlands could be the largest coastal wetland in southern California, spanning nine miles of the coast from Point Hueneme to Point Mugu.

Mugu Lagoon

The portion of Mugu Lagoon, from Laguna Point east to Point Mugu, is part of the Mugu-Latigo Area of Special Biological Significance ("ASBS") as designated by the State of

California for special ecological protections[11]. The Mugu-Latigo ASBS is the largest of the mainland ASBS in Southern California, with 24 miles of coastline and 11,842 acres of marine habitat. Mugu Lagoon and its wetlands, home to the Chumash Native American Village of Muwu, is largely contained within the Mugu-Latigo ASBS. Mugu Lagoon is one of the key coastal wetlands in the state, supporting over 60,000 shorebirds each spring, up to 10,000 shorebirds in the winter, thousands of ducks during duck migration season and the winter, and 18 species of fish. It is an integral component of the Pacific Flyway, and over 205 avian species have been reported in the Lagoon, including five avian species listed under the Federal Endangered Species Act. One of the world's largest populations of Belding's Savannah Sparrow is found in Mugu Lagoon. Mugu Lagoon is also home to the farthest-north remaining population of Light-footed Clapper Rail. In addition, Peregrine Falcon have been observed at Mugu Lagoon, and Mugu Lagoon supports the largest remaining natural Brown Pelican roosting area in southwestern California.

The GenOn Facility, the Ormond Beach Wetlands, and Mugu Lagoon

The GenOn Facility is located on Edison Drive, abutting the Ormond Beach Wetlands, Mugu Lagoon, and the Pacific Ocean. Polluted storm water discharges from the GenOn Facility to: the Pacific Ocean; portions of the Ormond Beach Wetlands that convey water to the Ormond Beach Wetlands Lagoon; portions of the Ormond Beach Wetlands that convey water to Oxnard Drain #3, which is the western most arm of Mugu Lagoon; and to the western most arm of Mugu Lagoon/Oxnard Drain #3 and the Ormond Beach Wetlands via the local storm sewer system on Edison Drive.

Polluted storm water discharges from industrial facilities like the GenOn Facility contribute to the impairment of downstream surface waters, and aquatic dependent wildlife. A water body is impaired if it is unable to support its beneficial uses. The California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") has issued its Water Quality Control Plan for the Los Angeles Region ("Basin Plan"), which lists the beneficial uses for waters in the Santa Clara River Watershed ("Beneficial Uses"). The Beneficial Uses for the waters that receive polluted storm water discharges from the GenOn Facility include: water contact recreation (REC-1), non-contact water recreation (REC-2), navigation (NAV), commercial and sport fishing (COMM), estuarine habitat (EST), wildlife habitat (WILD), rare, threatened, or endangered species (RARE), migration of aquatic organisms (MIGR) and spawning, reproduction and development (SPWN), marine habitat (MAR), Wetland Habitat (WET), Rare, Threatened, or Endangered Species (RARE), Shellfish Harvesting (SHELL), and Preservation of Biological Habitats (BIOL) such as Areas of Special Biological

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[11] The California State Water Resources Control Board ("SWRCB"), under its Resolution No. 74-28, designated certain ASBS in the adoption of water quality control plans for the control of wastes discharged to ocean waters. The ASBS are intended to afford special protection to marine life through prohibition of waste discharges within these areas. The concept of "special biological significance" recognizes that certain biological communities, because of their value or fragility, deserve very special protection that consists of preservation and maintenance of natural water quality conditions to practicable extents (from SWRCB's and California Regional Water Quality Control Boards' Administrative Procedures, September 24, 1970, Section XI. Miscellaneous--Revision 7, September 1, 1972).

Significance (ASBS). *See* Basin Plan, pp. 2-1 - 2-5. Polluted storm water discharges from the GenOn Facility cause and/or contribute to the impairment of water quality in the Ormond Beach Wetlands, the Ormond Beach Lagoon, Mugu Lagoon, and the Pacific Ocean; are toxic to aquatic life in these waterbodies and to resident and migratory birds that utilize these waterbodies; and adversely affect the environment. For example, Mugu Lagoon (Calleguas Creek Reach 1) and Oxnard Drain #3, which is the western most arm of Mugu Lagoon, are listed as impaired for sediment toxicity[12], and the Ormond Beach Lagoon and Wetlands adjacent to the Facility are contaminated with iron and other metals.

For the Ormond Beach Wetlands, the Ormond Beach Wetlands Lagoon, Mugu Lagoon, and Ventura's Coastal Waters to regain their health, for the Ormond Beach Wetlands and Mugu restoration and protection efforts to succeed, and for these waterbodies threatened, endangered, migratory, and resident species, to recover and thrive, illegal contaminated storm water discharges must be eliminated.

II. The GenOn Facility and Associated Discharges of Pollutants

Information available to Coastkeeper, including the Storm Water Pollution Prevention Plan ("SWPPP") for the industrial activities occurring at the GenOn Facility, as well as the NOI, indicate that the following industrial operations are conducted at the GenOn Facility: electricity generation; maintenance and operation of electricity generating units including, but not limited to the Facility's two steam boiler electric generating units fueled by natural gas, the Facility's power block structures, the Facility's two tall emissions stacks, the Facility's once-through cooling infrastructure, the Facility's transformers, and the Facility's metal infrastructure associated with, part of, supporting, surrounding, and rising above the electric generating units, emissions stacks, and other infrastructure; the Facility's scrap yard; the Facility's maintenance areas; the Facility's vehicle and equipment maintenance; paint removal; construction activities; regeneration of in-line polishers resins; corrosion inhibition; and vehicular, equipment, and machinery traffic within the Facility. The GenOn Facility also stores hazardous waste such as waste oil, coolant, ammonium hydroxide, sodium nitrite, sodium hypochlorite, sulfuric acid, waste gasoline and diesel.

Review of the Facility's SWPPP and visual observations conducted by Coastkeeper indicate that Facility's industrial operations are conducted outdoors without adequate cover from precipitation. The exposure of pollutants associated with these industrial activities to precipitation combined with the Facility's failure to adequately treat its storm water discharges, results in storm water carrying away pollutants generated from the Facility's industrial operations as storm water flows into the Ormond Beach Wetlands, Ormond Beach Wetlands Lagoon, Mugu Lagoon, and the Pacific Ocean from the GenOn Facility.

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[12] *See* Los Angeles Region Integrated Report Clean Water Act Section 305(b) Report and Section 303(d) List of Impaired Waters, Appendix F, "2008 Clean Water Act 303(d) List of Water Quality Limited Sections," available at http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/2008_integrated_report_303%28d%29_list.shtml (last visited 18 August 2012).

Information available to Coastkeeper also indicates that oil and grease, metal particles, and other pollutants have been and continue to be tracked throughout the GenOn Facility operations area. These pollutants accumulate at the storm water discharge points, the parking lot, and the driveway leading onto South Edison Drive. As a result, sediment, dirt, oil and grease, metal particles and other pollutants are tracked off-site by trucks and vehicles leaving the GenOn Facility via staging areas and driveways.

Sources of pollutants associated with the industrial activities at the GenOn Facility include, but are not limited to electricity generation; maintenance and operation of electricity generating units including, but not limited to the Facility's two steam boiler electric generating units fueled by natural gas, the Facility's two tall emissions stacks, the Facility's power block structures, the Facility's once-through cooling infrastructure, the Facility's transformers, and the Facility's metal infrastructure associated with, part of, supporting, surrounding, and rising above the electric generating units, emissions stacks, and other infrastructure; the Facility's scrap yard; the Facility's maintenance areas; the Facility's vehicle and equipment maintenance; paint removal; construction activities; regeneration of in-line polishers resins; corrosion inhibition; and vehicular, equipment, and machinery traffic within the Facility; parking areas; shipping and receiving areas; loading and unloading areas; driveway areas; maintenance areas; the office building; and on-site material handling equipment such as forklifts, and trucks. The pollutants associated with operations at Auto Dismantlers include, but are not limited to: heavy metals such as iron; oil and grease; fuel and fuel additives; total suspended solids ("TSS"); coolant; pH-affecting substances; toxic substances associated with the Facility's operations such as ammonium hydroxide, sodium nitrite, sodium hypochlorite, sulfuric acid; and fugitive and other dust, dirt, and debris.

As identified in the Facility's SWPPP site map, there are at least five storm water discharge points from the GenOn Facility into the Ormond Beach Wetlands, the Pacific Ocean, and Oxnard Drain # 3, which is the western branch of Mugu Lagoon: D-1 (Water going out the back gate); D2-D4 (Vault east of the north basin); D5-D12 (Vault north of the maintenance shop); D13 (Vault west of the scrap yard); D14 (Vault east of the G.E. building).

Visual observations, satellite and overhead imagery, the Facilty's SWPPP, and the Facility's own monitoring results indicates that the GenOn Facility Owners and/or Operators have not properly developed and/or implemented best management practices ("BMPs") at the GenOn Facility sufficient to prevent the exposure of pollutants to storm water and the subsequent discharge of polluted storm water from the GenOn Facility during rainstorm events. Consequently, during rain events, storm water carries pollutants from the GenOn Facility's industrial operations areas; industrial infrastructure; retention basins; ground; floors; equipment; scrap areas; shipping and receiving areas; and other sources into the Ormond Beach Wetlands, the Ormond Beach Wetlands Lagoon, the Western Arm of Mugu Lagoon/Oxnard Drain #3; the main body and other arms of Mugu Lagoon, the local storm sewer system on Edison Drive which flows into the Western Arm of Mugu Lagoon/Oxnard Drain #3, and into the Pacific Ocean. These illegal discharges negatively impact the Ormond Beach Wetlands, the Ormond Beach Wetlands Lagoon, Mugu Lagoon, the Western Arm of Mugu Lagoon/Oxnard Drain #3,

the Pacific Ocean, Ormond Beach, and Coastkeeper's members' use and enjoyment of these waters and Ormond Beach.

Failure to comply with the Storm Water Permit, and the resulting discharges of pollutants from the GenOn Facility, are violations of the Storm Water Permit, the Clean Water Act, and the California Ocean Plan. Besides violating the law, these failures have resulted in and continue to contribute to the degradation of the ecological, cultural, municipal, domestic, and recreational resources of the Ormond Beach Wetlands, the Ormond Beach Wetlands Lagoon, Mugu Lagoon, the western arm of Mugu Lagoon/Oxnard Drain #3, the Pacific Ocean, and Ormond Beach.

III. Violations of the Clean Water Act, the Storm Water Permit, and the California Ocean Plan

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 126(c)(1); Storm Water Permit, Fact Sheet p. VII.

In addition, in furtherance of the California Water Code, to protect California's coastal waters, the State Board created the California Ocean Plan (amended in 1978, 1983, 1988, 1990, 1997, 2001, 2005, 2009, and 2012)[13] to control the discharge of waste to ocean waters. Beneficial Uses of the ocean waters include water contact and non-contact recreation, commercial and sport fishing, marine habitat, and preservation and enhancement of designated Areas of Special Biological Significance ("ASBS"), to name a few. The limitations set forth in the Ocean Plan, including its ASBS discharge prohibitions and combination of numeric and narrative water quality standards for bacterial, physical, chemical, and biological characteristics, are intended to protect the designated beneficial uses. Any person who discharges storm water or non storm water to an Ocean Plan Designated ASBS in violation of the Ocean Plan, is in violation of the California Water Code.

A. Discharges of Storm Water from the GenOn Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit, and the Clean Water Act

Effluent Limitation (B)(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT for toxic pollutants[14] and BCT for conventional pollutants.[15] EPA Benchmarks are relevant and objective standards to evaluate whether a

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[13] California Water Code §§ 13000 *et seq.;* State Water Resources Control Board, 2005 California Ocean Plan, Water Quality Control Plan for Ocean Waters of California.

[14] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include iron, copper, lead, and zinc, among others.

[15] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand, total suspended solids, oil and grease, pH, and fecal coliform.

permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit. [16]

As reported in the GenOn Facility's Annual Reports and attached in Table 1, storm water samples taken by the GenOn Facility Owners and/or Operators from the 2007 -2008 rainy season through the 2011-2012 rainy season contained iron and TSS in excess of the EPA Benchmark concentrations. Exceedances of EPA Benchmarks demonstrate that the GenOn Facility Owners and/or Operators have not implemented BMPs at the GenOn Facility that achieve compliance with the BAT/BCT standards. Coastkeeper's visual observations and photographic evidence further confirms that the GenOn Facility Owners and/or Operators have failed and continues to fail to develop and/or implement BMPs to prevent the exposure of pollutants to storm water and to prevent the discharge of polluted storm water from the GenOn Facility in violation of Effluent Limitation B(3) of the Storm Water Permit. Information available to Coastkeeper indicates that the storm water discharges from the GenOn Facility violate Effluent Limitation B(3) of the Storm Water Permit during each significant rain event, dates of which are identified in Exhibit A attached hereto.[17] These discharge violations are ongoing and Coastkeeper will update the number and dates of violations when additional information and data becomes available.

Every day storm water is discharged or continues to discharge from the GenOn Facility in violation of Effluent Limitation (B)(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). These violations are ongoing, and will continue each day contaminated storm water is discharged from the GenOn Facility in violation of Effluent Limitation (B)(3).

B. Discharges of Contaminated Storm Water from GenOn Facility in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit, and the Clean Water Act

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water or groundwater that adversely impact human health or the environment. The GenOn Facility's storm water discharges contain elevated concentrations of iron in amounts that may cause: acute and chronic toxicity to aquatic life and aquatic plants; change in the diversity and abundance of aquatic life; change in aquatic community structure and function; impacts to metabolism and osmoregulation of aquatic life; change in the structure and quality on benthic invertebrate habitat and food resources leading to decline in benthic invertebrate populations and diversity; and increases in aquatic organisms dietary supply of metals that can result in toxicity effects that ripple through an ecosystem's food chain. These impacts from the GenOn Facility's discharges of iron not only can impact aquatic, avian, and terrestrial life of the Ormond Beach Wetlands, Mugu Lagoon, the western branch of Mugu Lagoon/ Oxnard Drain #3, the Ormond Beach Lagoon, and the Pacific Ocean, but the humans that catch and or eat fish from theses waterbodies.

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[16] *See* Multi-Sector Permit (2008), Fact Sheet, p. 106; *see also*, Storm Multi-Sector Permit, 65 Federal Register 64839 (2000).

[17] A significant rain event is an event that produces storm water runoff, which according to the United States Environmental Protection Agency occurs with more than 0.1 inches of precipitation.

For example, samples of storm water discharged from the GenOn Facility from December 2007 through the 2012 rainy season, taken by the GenOn Facility Owners and/or Operators and as reported in the Facility's Annual Reports, have continuously contained iron at concentrations from 1.1 milligrams per liter to 18 milligrams per liter, in exceedance of the U.S. Environmental Protection Agency National Recommended Water Quality Criteria for Freshwater Aquatic Life Protection of 1 mg/L. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act.

Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable water quality standard.[18] Samples of storm water discharged from the GenOn Facility, taken by the GenOn Facility Owners and/or Operators and as reported in the Facility's Annual Reports, have demonstrated exceedance of the Basin Plan's water quality standards for pH (see Table 2 attached to this letter). Discharges that contain pollutants in excess of an applicable water quality standard violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Information available to Coastkeeper indicates that the storm water discharges from the GenOn Facility to surface waters and groundwater contain pollutants that adversely impact human health or the environment and/or cause or contribute to a violation of an applicable water quality standards in violation of Receiving Water Limitations (C)(1) and C(2), respectively. Information available to Coastkeeper indicates that the storm water discharges from the GenOn Facility violate these Receiving Water Limitations during each significant rain event, dates of which are identified in Exhibit A. These discharge violations are ongoing and Coastkeeper will update the number and dates of violation when additional information and data becomes available.

Every day discharges of storm water from the GenOn Facility adversely impact human health or the environment or cause or contribute to a violation of applicable water quality standards is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). These violations are ongoing, and will continue each day contaminated storm water is discharged to surface water or groundwater in violation of the Receiving Water Limitations of the Storm Water Permit.

C. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan

[18] Water Quality Standards are pollutant concentration levels determined by the State Water Resources Control Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above Water Quality Standards contribute to the impairment of the receiving waters' Beneficial Uses. Applicable Water Quality Standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"), the California Ocean Plan, and the Los Angeles Regional Board's Water Quality Control Plan for the Los Angeles Region ("Basin Plan").

Section A(1) and Provision E(2) of the Storm Water Permit requires dischargers to have developed and implemented a SWPPP by 1 October 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective behind the SWPPP requirements is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the GenOn Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). To ensure its effectiveness, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9), and must be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9), (10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); and, a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources and a description of locations where soil erosion may occur, (*see* Section A(6)). Sections A(7) and (8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Coastkeeper demonstrates that the GenOn Facility Owners and/or Operators have not developed and/or implemented a SWPPP that meets the requirements of the Storm Water Permit, in violation of Section A and Provision E(2) of the Storm Water Permit. For example, the GenOn Facility Owners and/or Operators have failed and continue to fail to develop and/or implement adequate BMPs to prevent the exposure and subsequent discharge of pollutants from GenOn Facility at levels that achieve EPA Benchmarks. In addition, the SWPPP site map for the GenOn Facility does not identify all locations where storm water discharges, or the location of storm drain inlets and nearby surface waters that receive discharges from the GenOn Facility, in violation of Section A(4) of the Storm Water Permit. Further, despite continuing violations of the Storm Water Permit, information available to Coastkeeper indicates that the GenOn Facility Owners and/or Operators have not revised the SWPPP as necessary to ensure compliance with the Storm Water Permit, in violation of Sections A(9) and (10) of the Storm Water Permit.

Every day the GenOn Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The GenOn Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements every day since at least

August 22, 2007. These violations are ongoing, and Coastkeeper will include additional violations when information becomes available.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program ("MRP") by October 1, 1992, or prior to the commencement of industrial activities, that meets all of the requirements of the Storm Water Permit. The primary objective of the MRP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). The MRP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and are evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id.*

Sections B(3) through B(16) of the Storm Water Permit set forth the MRP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly dry season visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges from one storm event per month during the wet season (defined as October 1-May 30). Sections B(3) and (4) further require dischargers to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and (4). Dischargers must also revise the SWPPP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.* Section B(4).

Sections B(5) and (7) of the Storm Water Permit require dischargers to visually observe and sample storm water discharges from all locations where storm water is discharged. Facility operators, including the GenOn Facility Owners and/or Operators, are required to collect samples from at least two qualifying storm events each wet season, including one set of samples during the first storm event of the wet season. *See* Storm Water Permit, Sections B(5). Required samples must be collected by Facility operators from all discharge points and during the first hour of the storm water discharge from the Facility. *Id.* Sampling of stored or contained storm water shall occur any time the stored or contained storm water is released. *Id.* Storm water samples shall be analyzed for TSS, pH, specific conductance, total organic carbon or oil and grease, toxic chemicals and other pollutants that are likely to be present in significant quantities in the discharges. *Id.*, Section B(5)(c).

The GenOn Facility has not developed, implemented and/or revised an MRP for its Facility as required by the Storm Water Permit. Specifically, GenOn Facility has failed to collect storm water samples from the first qualifying storm event of each wet season from 2007

to the present, and has routinely failed to collect storm water samples from the first hour of the storm water discharge from the Facility from 2007 to the present.[19] The GenOn Facility thus has failed to collect two samples from all discharge locations as required by the Storm Water Permit. *See* Storm Water Permit, Sections B(5)(a).

Further, GenOn Facility failed to record visual observations of storm water discharges from one storm event per month during each wet season from 2007 to the present, as required by Section B(4) of the Storm Water Permit. Qualifying storm events occurred at the GenOn Facility, but visual observations of storm water discharges were not made, during each of the months identified in Exhibit B.[20] Each of these failures constitutes a violation of Section B(4) of the Storm Water Permit and the Clean Water Act. Because the GenOn Facility Owners and/or Operators failed to take visual observations of storm water discharges as required during these months, they also failed to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, trash, odor and the source of any pollutants, in violation of Section B(4) of the Storm Water Permit.

The GenOn Facility's failure to conduct sampling, monitoring, and reporting as required by the Storm Water Permit demonstrates that the GenOn Facility Owners and/or Operators have failed to develop, implement and/or revise an MRP that complies with the requirements of Section B and Provision E(3) of the Storm Water Permit. Every day that the GenOn Facility Owners and/or Operators conducts operations in violation of the specific monitoring and reporting requirements of the Storm Water Permit, or with an inadequately developed and/or implemented MRP, is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The GenOn Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's MRP requirements every day since at least August 22, 2007. These violations are ongoing, and Coastkeeper will include additional violations when information becomes available.

E. Discharges of Contaminated Storm Water from GenOn Facility in Violation of the Ocean Plan

1.) The Ocean Plan Requirements and Areas of Special Biological Significance

In the 1970s, the State Board designated thirty-four areas off California's Pacific Coast as Areas of Special Biological Significance ("ASBS"). These areas have been re-designated State Water Quality Protection Areas, but are still referred to as ASBSs.[21] The Mugu Lagoon ASBS in Ventura

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[19] Exhibit B, attached and incorporated by reference, sets forth dates on which qualifying rain events during which samples could have been taken occurred at the GenOn Facility in the past five (5) years. A qualifying rain event for sampling purposes is defined in the Storm Water Permit as a discharge that occurs during working hours and that is preceded by at least (3) three working days without a storm water discharge. Storm Water Permit, Section B(5)(b).

[20] Exhibit B, sets forth months during which rain events occurred in which observations of discharges should have been taken in the past five (5) years. A qualifying rain event for visual observations is defined in the Storm Water Permit as a discharge that occurs during working hours and that is preceded by at least (3) three days without a storm water discharge. Storm Water Permit, Section B(4)(b).

[21] According to State Water Board Resolution No. 2005-0035, the State Water Quality Protection Areas are protected by the same laws and regulations as ASBSs.

County and Los Angeles County begins at Mugu Lagoon (Laguna Point) and ends at Latigo Point in the City of Malibu in the County of Los Angeles (the "Mugu to Latigo ASBS"). Like all other ASBSs, the Mugu to Latigo ASBS was determined to be a unique area that deserves special protection. For example, Mugu to Latigo ASBS contains five major sub-tidal habitat types, including extensive sub-tidal reefs.

Because of the "intrinsic value" and fragile nature of ASBSs, the State Water Resources Control Board has determined that in order to preserve and enhance the Beneficial Use of ASBSs, the water quality objectives in the Ocean Plan shall prohibit the discharge of any pollutants to an ASBS. Specifically, the Ocean Plan states that "[w]aste shall not be discharged to areas designated as being of special biological significance." Ocean Plan, Section III(E), Section III(I). Discharges of waste near ASBSs are also prohibited. *Id.* Waste is "a discharger's total discharge, of whatever origin, i.e., gross, not net, discharge." Appendix I, Ocean Plan. Therefore, the GenOn Facility's discharges of waste containing pollutants such as iron in any amount into or near the Mugu to Latigo ASBS, or containing iron exceeding the U.S. Environmental Protection Agency National Recommended Water Quality Criteria for Freshwater Aquatic Life Protection for iron of 1 mg/L, violate the Ocean Plan's waste discharge prohibition.

2.) The GenOn Facility's Violations of the Ocean Plan's Waste Discharge Prohibition into the Mugu Lagoon to Latigo Point ASBS

As indicated in the attached Table A, information available to Coastkeeper indicates that during each significant rain event, dates of which are identified in Exhibit A, the GenOn Facility has been discharging waste containing pollutants in its storm water discharges, such as iron in elevated concentrations, into and near the Mugu to Latigo ASBS since at least December 17, 2007 in violation of the California Ocean Plan and its waste discharge prohibition. Ocean Plan, Section III(E), Section III(I). Every day the GenOn Facility discharges storm water, into and near the Mugu to Latigo ASBS, with waste containing pollutants such as iron or with waste containing iron exceeding the U.S. Environmental Protection Agency National Recommended Water Quality Criteria for Freshwater Aquatic Life Protection for iron of 1 mg/L, is a separate and distinct violation of the Ocean Plan and California Water Code. These violations are ongoing, and will continue each day contaminated storm water containing waste such as iron is discharged into and near the Mugu to Latigo ASBS from the GenOn Facility. In light of the GenOn Facility's history of violations and the nature of the violations, the GenOn Facility will continue to violate the Ocean Plan's requirements in the future unless and until they are enjoined from doing so.

F. Relief and Penalties Sought for Violations of the Clean Water Act and the California Ocean Plan

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit. These provisions of law authorize civil penalties of up to $32,500 per day per violation for all Clean Water Act

violations between March 15, 2004 and January 12, 2009, and $37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), injunctive relief preventing further violations of the California Ocean Plan, declaratory relief, and such other relief as permitted by law. Lastly, pursuant to section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Coastkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

IV. Conclusion

Upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the GenOn Facility Owners and/or Operator's violations of the Storm Water Permit, Clean Water Act, and California Ocean Plan. During the 60-day notice period, however, Coastkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions immediately.

Please direct all communications to Wishtoyo Foundation's and its Ventura Coastkeeper Program's Staff Attorney at:

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Sincerely,

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Wishtoyo Foundation & itsVentura
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Table 1 - Exceedences of EPA Benchmarks

Date	Sampler	Outfall	Parameter	Total or Dissolved Fraction	Units	* U.S. EPA Benchmark	Concentration in Discharge
12/17/2007	GenOn	D1	Iron	Total	mg/L	1.0	4.2
12/17/2007	GenOn	D2/4	Iron	Total	mg/L	1.0	1.1
12/18/2007	GenOn	D14	Iron	Total	mg/L	1.0	2.0
12/18/2007	GenOn	D13	Iron	Total	mg/L	1.0	1.3
1/4/2008	GenOn	D2/4	Iron	Total	mg/L	1.0	4.0
1/4/2008	GenOn	D5/12	Iron	Total	mg/L	1.0	3.2
1/5/2008	GenOn	D1	Iron	Total	mg/L	1.0	2.4
1/5/2008	GenOn	D13	Iron	Total	mg/L	1.0	18.0
1/5/2008	GenOn	D13	TSS	Total	mg/L	100	130.0
1/5/2008	GenOn	D14	Iron	Total	mg/L	1.0	4.3
11/1/2008	GenOn	D1	Iron	Total	mg/L	1.0	3.6
11/1/2008	GenOn	D1	TSS	Total	mg/L	100	330.0
11/1/2008	GenOn	D2/4	Iron	Total	mg/L	1.0	1.5
11/1/2008	GenOn	D13	Iron	Total	mg/L	1.0	3.8
11/1/2008	GenOn	D13	TSS	Total	mg/L	100	110.0
11/1/2008	GenOn	D14	Iron	Total	mg/L	1.0	2.7
11/1/2008	GenOn	D14	TSS	Total	mg/L	100	150.0
10/14/2009	GenOn	D1	Iron	Total	mg/L	1.0	1.2
10/14/2009	GenOn	D13	Iron	Total	mg/L	1.0	2.0
1/18/2010	GenOn	D13	Iron	Total	mg/L	1.0	1.3
2/16/2011	GenOn	D13	Iron	Total	mg/L	1.0	2.8
10/5/2011	GenOn	D1	Iron	Total	mg/L	1.0	2.2
10/5/2011	GenOn	D2/4	Iron	Total	mg/L	1.0	3.3
10/5/2011	GenOn	D2/4	TSS	Total	mg/L	100	130
10/5/2011	GenOn	D13	Iron	Total	mg/L	1.0	1.3
10/5/2011	GenOn	D14	Iron	Total	mg/L	1.0	2.1
1/21/2012	GenOn	D13	Iron	Total	mg/L	1.0	1.1

GenOn = GenOn Self Reporting

Table 2 - Exceedences of Basin Plan Limits

Date	Sampler	Outfall	Parameter	Units	* Basin Plan Limits	Concentration in Discharge
1/4/2008	GenOn	D2/4	pH	Units	6.5	6.4
1/4/2008	GenOn	D5/12	pH	Units	6.5	6.4
10/14/2009	GenOn	D5/12	pH	Units	6.5	6.2

GenOn =
GenOn Self
Reporting

Exhibit A: Rain Table - Number of Days with Rain Above .1 Inches
Station Name: OXNARD VENTURA CO AIRPORT, CA US
Station Id:GHCND:USW00093110

YEAR	MO	DA	Total Rain (Inches)
2007	12	18	0.24
2008	1	4	0.57
2008	1	22	0.17
2008	1	23	0.9
2008	1	24	0.16
2008	1	27	0.11
2008	2	23	0.14
2008	11	1	0.21
2008	11	25	0.2
2008	12	15	0.28
2008	12	22	0.23
2009	1	23	0.19
2009	1	24	0.18
2009	2	5	0.97
2009	2	6	0.63
2009	2	7	0.81
2009	2	9	0.54
2009	2	13	0.55
2009	2	16	2.13
2009	2	17	0.21
2009	3	4	0.39
2009	5	5	0.1
2009	6	5	0.13
2009	10	13	0.54
2009	10	14	0.33
2009	12	7	0.88
2009	12	10	0.37
2009	12	11	0.31
2009	12	12	0.78
2009	12	13	0.2
2010	1	13	0.23
2010	1	17	1.12
2010	1	18	1.01
2010	1	19	1.01
2010	1	20	1.36
2010	1	21	0.63
2010	1	22	0.77

YEAR	MO	DA	Total Rain (Inches)
2010	2	5	1.95
2010	2	6	0.27
2010	2	9	0.18
2010	2	19	0.28
2010	2	24	0.17
2010	2	27	1.51
2010	3	3	0.14
2010	3	6	0.39
2010	4	4	0.18
2010	4	5	0.18
2010	4	11	0.69
2010	4	20	0.12
2010	5	18	0.1
2010	10	4	0.17
2010	10	5	0.15
2010	10	6	0.61
2010	10	18	0.1
2010	10	19	0.29
2010	10	30	0.93
2010	11	7	0.14
2010	11	20	0.3
2010	11	21	0.42
2010	12	5	0.54
2010	12	17	0.6
2010	12	18	2.92
2010	12	19	2.15
2010	12	20	0.44
2010	12	21	0.42
2010	12	22	0.93
2010	12	25	0.87
2010	12	29	0.67
2011	1	2	0.4
2011	1	30	0.18
2011	2	15	0.34
2011	2	16	0.42
2011	2	18	0.31
2011	2	19	0.37

Exhibit A: Rain Table - Number of Days with Rain Above .1 Inches
Station Name: OXNARD VENTURA CO AIRPORT, CA US
Station Id:GHCND:USW00093110

YEAR	MO	DA	Total Rain (Inches)
2011	2	25	0.37
2011	3	23	0.42
2011	3	24	0.23
2011	3	25	0.11
2011	5	17	0.27
2011	6	6	0.13
2011	10	5	1.04
2011	11	6	0.24
2011	11	11	0.38
2011	11	20	0.72
2011	12	12	0.3
2012	1	21	0.91
2012	1	23	0.72
2012	3	17	0.81
2012	3	25	1.56
2012	4	10	0.25
2012	4	11	0.75
2012	4	25	0.12

Exhibit B: Rain Table –Qualifying Rain Events During Business Hours
Station Name: OXNARD VENTURA CO AIRPORT, CA US
Station Id:GHCND:USW00093110

YEAR	MO	DA	Total Rain (Inches)	Day of Week
2007	12	18	0.24	T
2008	1	4	0.57	F
2008	1	22	0.17	T
2008	1	23	0.9	W
2008	2	23	0.14	Sa
2008	11	1	0.21	Sa
2008	11	25	0.2	T
2008	12	15	0.28	M
2008	12	22	0.23	M
2009	1	23	0.19	F
2009	2	5	0.97	Th
2009	2	13	0.55	F
2009	3	4	0.39	W
2009	5	5	0.1	T
2009	10	13	0.54	T
2009	12	7	0.88	M
2010	1	13	0.23	W
2010	1	17	1.12	F
2010	2	5	1.95	F
2010	2	19	0.28	F
2010	2	24	0.17	W
2010	3	3	0.14	W
2010	4	4	0.18	S
2010	4	11	0.69	S
2010	4	20	0.12	T
2010	5	18	0.1	T
2010	10	4	0.17	M
2010	10	18	0.1	M

YEAR	MO	DA	Total Rain (Inches)	Day of Week
2010	10	30	0.93	Sa
2010	11	7	0.14	S
2010	11	20	0.3	Sa
2010	12	5	0.54	S
2010	12	17	0.6	F
2010	12	25	0.87	Sa
2010	12	29	0.67	W
2011	1	2	0.4	S
2011	1	30	0.18	S
2011	2	15	0.34	T
2011	2	25	0.37	F
2011	3	23	0.42	W
2011	5	17	0.27	T
2011	6	6	0.13	M
2011	10	5	1.04	W
2011	11	6	0.24	S
2011	11	11	0.38	F
2011	11	20	0.72	S
2011	12	12	0.3	M
2012	1	21	0.91	Sa
2012	3	17	0.81	Sa
2012	3	25	1.56	S
2012	4	10	0.25	T
2012	4	25	0.12	W